

REMARKS

I. INTRODUCTION

Claims 1-5 have been amended. No new matter has been added. Thus, claims 1-5 are pending in the present application. In light of the above amendments and the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

II. THE DOUBLE PATENTING REJECTION SHOULD BE WITHDRAWN

Claims 1 and 4 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 and 12 of Application No. 10/552,770.

Claim 1 recites “[a] depilation device comprising: a housing; and a reel being supported in the depilation device so as to be rotatable about a reel axis and arranged to accommodate a tape roll formed by winding up of a depilation tape, wherein the reel performs a dual function of unreeling the depilation tape from the tape roll present on the reel so as to apply a portion of the depilation tape to the skin of a person, and of winding up the depilation tape onto the tape roll present on the reel so as to pull off a portion of the depilation tape previously applied to the skin of the person, and wherein the reel is driven into rotation by drive means during winding up of the depilation tape, and wherein the reel is driven into rotation by the depilation tape during unreeling of the depilation tape without being hampered by the drive means, wherein the tape roll is the only storage mechanism for winding up the depilation tape of the depilation device.

Applicants respectfully submit that neither claims 1, 2, 12, nor any other claim of U.S. Application 10/552,770 recites “a reel being supported in the depilation device so as to be rotatable about a reel axis and arranged to accommodate a tape roll formed by winding up of a depilation tape” as recited in claim 1 of the present application. Furthermore, the claims of U.S. Application 10/552,770 do not suggest such a reel arrangement. Accordingly, applicants respectfully traverse the provisional obviousness-

type double patenting rejection of claim 1. Because claim 4 is dependent on claim 1, the applicants respectfully traverse this rejection also.

III. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN

Claim 1 stands rejected under 35 U.S.C. §102(b) for being anticipated by L.L. Magnus et al. (U.S. Patent No. 2,480,252).

Claim 1 recites, in relevant portion, “*wherein the tape roll is the only storage mechanism for winding up the depilation tape of the depilation device.*”

In contrast, L.L. Magnus discloses a hair removing device that comprises “a pair of rollers 7 and 8, one operating as a feed or supply roller 7 and the other as a take-up roller 8.” (See L.L. Magnus, col. 2, ll. 39-41). In operation, “a knob 16 having a stub shaft 17 is attached to the roller 8 for rotating the latter to withdraw tape from the feed or supply roller 7.” (See *Id.*, col. 3, ll. 15-18). Thus, there are two rollers in the hair removing device of L.L. Magnus, one serving as a supply of tape and the other as a take-up of tape used on a person’s skin during the depilation operation. L.L. Magnus clearly shows both rollers storing wound up tape.

Accordingly, it is respectfully submitted that L.L. Magnus fails to disclose or suggest “*wherein the tape roll is the only storage mechanism for winding up the depilation tape of the depilation device,*” as recited in claim 1. Thus, claim 1 is allowable.

IV. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 2-3 stand rejected under 35 U.S.C. §103(a) for being obvious over L.L. Magnus in view of Bosland (U.S. Patent No. 3,802,309) and further in view of Murayama et al. (U.S. Patent No. 5,850,979). Applicants note that it appears that the

Examiner rejected claim 2 under only L.L. Magnus and Bosland and claim 3 under all three of the references. (See, 3/12/09 Office Action, pp. 3-4).

Claim 2 has been rewritten as an independent claim including most, but not all, limitations of claim 1. The Examiner admitted that L.L. Magnus does not disclose “wherein the drive means comprise an electric motor” as recited in claim 2. (See, Id. at p. 3). However, the Examiner goes on to state that “Bosland discloses a tape dispenser driven by an electric motor (column 2 lines 59-64). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of L.L. Magnus with the electric motor as disclosed by Bosland. Doing so would provide a drive means for automatically dispensing tape.” (See, Id. at pp. 3-4).

Applicants do not admit that Bosland discloses what the Examiner states. However, even if it does, it is irrelevant to claim 2. Specifically, claim 2 recites “wherein the reel is driven into rotation by drive means during winding up of the depilation tape.” Thus, this is exactly opposite of what the Examiner states is disclosed by Bosland. The Examiner states Bosland discloses “a tape dispenser.” Claim 2 recites “the reel is driven into rotation by drive means during winding up.” Accordingly, even if Bosland discloses a drive means, it is not used “during winding up of the depilation tape.” Murayama does not cure this deficiency of Bosland.

Applicants respectfully submit that neither L.L. Magnus, Bosland nor Murayama disclose or suggest “wherein the reel is driven into rotation by drive means during winding up of the depilation tape” as recited in claim 2. Thus, claim 2 and its dependent claim 3 are allowable.

Claim 4 stand rejected under 35 U.S.C. §103(a) for being obvious over L.L. Magnus in view of Collins (U.S. Patent No. 2,929,907). Claim 5 stands rejected under 35 U.S.C. §103(a) for being obvious over L.L. Magnus in view of Collins and further in view of C.E. Magnus et al. (U.S. Patent No. 2,423,245).

Applicants respectfully submit that Collins and C.E. Magnus fail to cure the deficiencies of L.L. Magnus with respect to claim 1. Thus, L.L. Magnus, Collins, and C.E. Magnus, taken alone or in any combination, fail to disclose or suggest “*wherein the tape roll is the only storage mechanism for winding up the depilation tape of the depilation device,*” as as recited in claim 1. Because claims 4 and 5 depend on and, therefore, contain all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

CONCLUSION

In light of the foregoing, Applicants respectfully submits that all of the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,

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